

FILED

MAR - 8 2006


CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

* * * * *

MARY HOLGARD, fka MARY
SCHILLING,
Plaintiff,
-vs-

Case No. CV06-1008

FARM BUREAU MUTUAL INSURANCE
COMPANY, an Iowa corporation;
and FARM BUREAU FINANCIAL
SERVICES,
Defendants.

NOTICE OF REMOVAL

* * * * *

TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, NORTHERN DIVISION:

Farm Bureau Mutual Insurance Company and Farm Bureau
Financial Services (collectively referred to as "Farm Bureau"),
which have been named as the defendants in the above-captioned
action, hereby file this Notice of Removal and remove this action
from the Circuit Court of the State of South Dakota, County of
Walworth, Fifth Judicial Circuit, pursuant to 28 USC § 1441 and
§§ 1446(a) and (b), and the Local Rules of this Court, and state
as follows:

1. Plaintiff served a Summons and Complaint on
February 6, 2006, venued in the Circuit Court, Fifth Judicial
Circuit, Walworth County, South Dakota, entitled Mary Holgard,
fka Mary Schilling, plaintiff, vs. Farm Bureau Mutual Insurance
Company, an Iowa corporation; and Farm Bureau Financial Services,
defendants, Civ. _____.

2. Farm Bureau are the only defendants.

3. All state court papers served on Farm Bureau at the time of removal, consisting of the Summons, Complaint and Admission of Service, are attached.

4. The Complaint seeks recovery for losses to personal property and damages in the total amount of \$66,442.92, plus an unspecified amount for the cost of rent for temporary housing starting February, 2006, an unspecified amount for attorney's fees pursuant to SDCL 58-12-3 and an unspecified amount for punitive damages. The actual amount of damages claimed is therefore unknown; however, it is believed that such total damages are claimed to be in excess of \$75,000.00, exclusive of interest and costs.

5. On information and belief, the plaintiff is a citizen of the United States and the State of South Dakota.

6. Complete diversity exists as Farm Bureau are incorporated in other states and have their principal places of business in other states.

7. This Court would have had original subject matter jurisdiction of this action under the provisions of 28 USC § 1332 if the action had originally been brought in federal court. Removal is, therefore, proper under 28 USC § 1441(a).

8. Removal of this case on the basis of diversity of citizenship is not precluded by the provisions of § 1441(b) of

Title 28 of the United States Code because none of the parties in interest properly joined and served as a defendant is a citizen of the State of South Dakota, the state in which the action was brought.

9. This Notice of Removal is timely under § 1446(b) of Title 28 of the United States Code because the plaintiff's initial pleadings in this action were served on February 6, 2006. This Notice of Removal is filed within thirty (30) days of receipt of the Summons and Complaint and within one (1) year of the commencement of this action, so that it is timely filed under 28 USC § 1446(b).

10. Simultaneously with the filing of this Notice of Removal, a copy of this Notice has been mailed to the plaintiff's attorney, and a copy has been filed with the Clerk of the Circuit Court, Fifth Judicial Circuit, Walworth County, South Dakota.

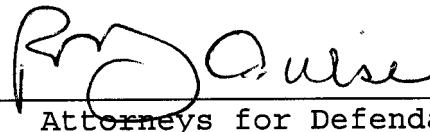
WHEREFORE, defendants Farm Bureau Mutual Insurance Company and Farm Bureau Financial Services hereby remove this action to this Court for further proceedings.

Dated at Aberdeen, South Dakota, this 7th day of March, 2006.

RICHARDSON, WYLY, WISE, SAUCK
& HIEB, LLP

One Court Street
Post Office Box 1030
Aberdeen, SD 57402-1030
Telephone No. (605) 225-6310

By

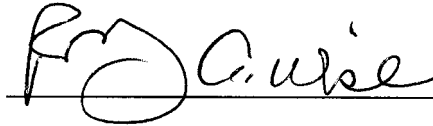


Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for defendants, hereby certifies that on the 7th day of March, 2006, a true and correct copy of **NOTICE OF REMOVAL** was mailed by first-class mail to:

Mr. Thomas P. Tonner
Tonner, Tobin & King
Attorneys at Law
Post Office Box 1456
Aberdeen, SD 57402-1456

_____